



PTO/SB/21 (05-03)  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/766,399	
	Filing Date	01/19/01	
	First Named Inventor	Wesley B. Bruce	
	Art Unit	1638	
	Examiner Name	J. Switzer	
Total Number of Pages in This Submission	6	Attorney Docket Number	1165

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ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Form PTO-1449 &amp; 6 references</b>		
<table border="1"><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Janice L. Rouse
Signature	<i>Janice L Rouse</i>
Date	June 16, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

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<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> Effective 01/01/2003. Patent fees are subject to annual revision. Applicant claims small entity status. See 37 CFR 1.27	<b>Complete if Known</b>		
	Application Number	09/766,399	
	Filing Date	01/19/01	
	First Named Inventor	Wesley B. Bruce	
	Examiner Name	J. Switzer	
TOTAL AMOUNT OF PAYMENT (\$)	180	Attorney Docket No.	1165

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<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																					
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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Janice L. Rouse	Registration No. Attorney/Agent	52,183
Signature	<i>Janice L. Rouse</i>	Telephone	515-270-3599
		Date	June 16, 2003

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## Certificate of Mailing under 37 CFR 1.8

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on June 16, 2003.  
Date

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Janice L. Rouse

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Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application No. 09/766,399; Attorney Docket No. 1165

1. Return postcard/ 1
2. Certificate of Mailing (1 pg.)/ 1 copy
3. Transmittal (1 pg.)/ 1 copy
4. Fee Transmittal (1 pg.)/ 1 copies
5. Filing of an Information Disclosure Statement (2 pgs.)/ 2 copies
6. Form PTO-1449 (1 pg.)/ 1 copy
7. 6 References / 1 copy of each

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First Named Inventor : Wesley B. Bruce  
Application Number : 09/766,399  
Filing Date : 01/19/01  
Title : Novel Plant Promoters and Methods of Use  
  
Group/Art Unit : 1638  
Examiner : J. Switzer  
  
Attorney Docket Number : 1165

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FILING OF AN INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(d),  
PETITION FOR CONSIDERATION UNDER 37 CFR §1.97(d)(2), AND  
CERTIFICATION UNDER 37 CFR §1.97(e)(1) OR (e)(2) WITH FEE**

Information Disclosure Statement. The attached list of citations on PTO Form 1449 is being submitted under the provisions of 37 CFR §1.56 and §1.97 in order to comply with the duty of disclosure. Their inclusion herein should not, however, be construed as an admission that any particular cited reference is effective prior art or that it discloses or renders obvious any aspect of the claimed invention. Copies of each are enclosed, except for those references already part of the filewrapper. This statement is being filed under the provisions of 37 CFR §1.97(d) with the required Certification.

Petition to Consider. Applicants petition the Office to consider the Information Disclosure Statement attached hereto in rendering its opinion on the patentability of the subject matter now claimed in the captioned application. The Office is authorized to charge the \$180.00 fee set forth in 37 CFR §1.17(p) to Deposit Account 16-1852.

Serial No. 09/776,399  
Group Art Unit: 1638


Statement of Certification. The undersigned hereby certifies that either:

(a) that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, or

(b) that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

Please charge any additional fees under 37 CFR §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to the indicated Deposit Account.

Respectfully submitted,

  
Janice L. Rouse  
Agent for Applicant(s)  
Registration No. 52,183

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
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Johnston, Iowa 50131-1000  
Phone: (515) 270-3599  
Facsimile: (515) 334-6883

Form PTO-1449 U.S. Department of Commerce  
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## INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

(Use several sheets if necessary)

ATTORNEY DOCKET NO.

1165

SERIAL NO.

09/15/99 163399

APPLICANT

Bruce, et al.

FILING DATE

January 19, 2001

GROUP

1638

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation Yes	No
A13	CA 2,366,228	9/28/00		C12N	15/82	X	
A14	CA 2,368,119	10/5/00		C12N	15/82	X	

## OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

A15	Comai, et al., "Novel and useful properties of a chimeric plant promoter combining CaMV 35S and MAS elements", <u>Plant Molecular Biology</u> , vol. 15, pp. 373-381, 1990
A16	Ni, et al., "Strength and tissue specificity of chimeric promoters derived from the octopine and mannopine synthase genes", <u>The Plant Journal</u> , pp. 661-676, 1995
A17	Nordin, et al., "Differential expression of two related, low-temperature-induced genes in <i>Arabidopsis thaliana</i> (L.) Heynh", <u>Plant Molecular Biology</u> , vol. 21, pp. 641-653, 1993
A18	Vilardell, et al., "Gene sequence, developmental expression, and protein phosphorylation of RAB-17 in maize", <u>Plant Molecular Biology</u> , vol. 14, pp. 423-432, 1990

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.